

REMARKS

Claims 1-29 and 39-41 are currently pending in this application.

The restriction requirement distinguished three claim sets, Groups I – III. Groups I and II were distinguished as being related but distinct based on an alternate use of the device of Group II as a stent. Groups II and III were distinguished as unrelated inventions based on the inventions having different modes of operation. In response, Applicants respectfully traverse this requirement with respect to Group I (Claims 1-15), a method, and Group II (Claims 16-29), a device utilized in the method of Group I, and provisionally elect the invention of Group I (Claims 1-15) per the requirement of 37 C.F.R. 1.143. Pursuant to traversing the restriction requirement and for clarification, Claims 5, 8, 16, 19 and 23 have been amended; Claims 30-38 cancelled; and Claims 39-41 added.

A restriction requirement may be proper if the inventions claimed in the application are related and shown to be distinct. A product and a process of using the product can be shown to be distinct inventions if the product, as claimed, can be used in a materially different process. (MPEP 806.05(h)).

Independent Claim 1 describes a method of sealing a hole in a body part utilizing the steps of introducing a cylindrical mesh into the hole and moving one of the ends of the mesh back through its interior. The movement of the end back through its interior causes the mesh to expand against the inner walls of the hole and provides resistance to the migration of matter through the expanded mesh.

Independent Claim 16, as amended, describes a device for sealing a hole in a body part. The device comprises a cylindrical mesh, elements for preventing both egress and ingress of the device into or out of the body part and an element that restricts the flow of matter through the device.

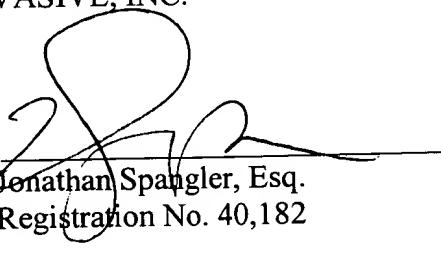
The step of moving an end of the device into its interior, presented in Claim 1, causes the mesh to expand against the interior of the hole. A stent maintains the walls of a vessel by exerting force on the interior of the vessel to resist its restriction. As evidenced by Claim 1, in order for the present invention to exert force on the vessel, a portion must be moved into its interior causing the mesh to expand. Moving a portion of the mesh into the interior would hinder the functionality of the vessel (i.e., restrict flow of matter therethrough) unlike a stent. As a result, the present invention could not perform the same function as a stent in maintaining the walls of a vessel.

In addition, the added flow restriction element of amended Claim 16 further denies the use of the device as a stent. The device could not be used as a stent since the flow restriction element would restrict flow of matter through the vessel. As a result, the use of the present invention as a stent to maintain the walls of a vessel would be counteracted by the flow restriction quality. Therefore, the present device and method for sealing a hole in a body part are not distinct inventions.

The specification lends support to the claim amendments and additions. The specification describes systems for sealing a hole in a body part and in particular a seal that could be used to reduce the risk of reherniation of a spinal disk. (Page 2, lines 18-19; Page 6, lines 26-30). Furthermore, the disclosure supports the use of bulging portions of the mesh as ingress and egress prevention elements. (Figs. 5-7, 9-10; Page 7, lines 29-32; Page 8, lines 28-29).

The foregoing amendment has been submitted to place the present application in condition for allowance. Favorable consideration and allowance of the claims in this application is respectfully requested. In the event that there are any questions concerning this Amendment or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,
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